

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
CLEVELAND DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL NO.: 1:21-cr-226
	)	
Plaintiff,	)	
	)	JUDGE PAMELA A. BARKER
vs.	)	
	)	
DAVIS LU,	)	
	)	
Defendant.	)	

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

Now comes undersigned counsel, Mara M. Hirz, Esq., and hereby respectfully moves this Honorable Court to grant the instant Motion and permit her to withdraw from further representation of the Defendant, Davis Lu, in connection with the above-captioned matter. Undersigned counsel moves pursuant to Local Rule 57.21. Reasons for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Mara M. Hirz

MARA M. HIRZ (100608)

Counsel for Defendant

Friedman Nemecek Long & Grant, L.L.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was filed by CM/ECF on the 24<sup>th</sup> day of May 2024, which will send a notification of such filing electronically to the following: Brian Deckert, Assistant United States Attorney, 801 Superior Avenue, Cleveland, OH 44113.

Respectfully submitted,

/s/ Mara M. Hirz  
MARA M. HIRZ (100608)

**MEMORANDUM IN SUPPORT**

**I. LAW AND ARGUMENT**

**A. Counsel should be permitted to withdraw as counsel in this matter.**

**1. Compliance with Applicable Rules of Procedure.**

The Local Rules of Criminal Procedure set forth the procedure for withdrawing from representation. Specifically, the Rules provide that:

The attorney of record may not withdraw, nor may any other attorney file an appearance as a substitute for the attorney of record, without first providing written notice to the client and all other parties and obtaining leave of Court. Attorneys from the same firm may file and serve a notice of appearance or substitution for the attorney of record without obtaining leave of Court.

*See* N.D. Ohio Crim. R. 57.21. As this excerpt indicates, a prerequisite to seeking to Withdraw is providing written notice to the client and all interested parties.

Here, Attorney Hirz seeks to withdraw from representation not for purposes of causing undue burden to the Defendant or this Honorable Court, but because she will no longer be an employee of Friedman Nemecek Long & Grant, L.L.C. as of May 24, 2024. However, Attorneys Ian N. Friedman and Eric C. Nemecek, who have previously entered their Notices of Appearance, will remain as counsel on the instant matter.

Mr. Lu has been notified of the instant motion and no changes are expected to the status of this matter. Additionally, undersigned notified Assistant United States Attorney Deckert that she is leaving the law firm of Friedman Nemecek Long & Grant, L.L.C. Thus, counsel has satisfied the requirements set forth in N.D. Ohio Crim. R. 57.21. Counsel respectfully moves this Honorable Court for leave to Withdraw.

**WHEREFORE**, undersigned counsel, Mara M. Hirz, of Friedman Nemecek Long & Grant, L.L.C., hereby respectfully moves this Honorable Court to grant the instant Motion and permit her to withdraw as counsel for Davis Lu in connection with the above-captioned matter, pursuant to Local Rule 57.21.

Respectfully submitted,

/s/ Mara M. Hirz

MARA M. HIRZ (100608)

Counsel for Defendant

Friedman Nemecek Long & Grant, L.L.C.

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